

HOUSE BILL No. 1281

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-1-5.

Synopsis: Small theater preservation. Requires a motion picture distributor to offer an exhibitor of a single screen theater in a historic district the same option of showing a first run motion picture as another exhibitor in the same county. Provides that single screen theaters may prepare and serve food.

Effective: July 1, 2004.

Whetstone

January 15, 2004, read first time and referred to Committee on Commerce and Economic Development.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1281

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 24-1-5-1 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2004]: Sec. 1. As used in this chapter:

"Person" includes one (1) or more individuals, partnerships, limited liability companies, associations, societies, trusts, organizations, or corporations.

"Theater" means an establishment in which motion pictures are exhibited to the public regularly for a charge.

"Single screen theater" means an establishment that contains only one (1) screen on which motion pictures are exhibited to the public regularly for a charge.

"Distributor" means a person engaged in the business of distributing or supplying motion pictures to exhibitors by rental, sale, or licensing.

"Exhibitor" means a person engaged in the business of operating one (1) or more theaters.

"Exhibit" or "exhibition" means showing a motion picture to the public for a charge.

"Invitation to bid" or "invite bids" means a written or **an** oral

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solicitation by a distributor to one (1) or more exhibitors to bid for the right to exhibit a motion picture.

"Bid" means a written offer or proposal by an exhibitor to a distributor in response to an invitation to bid for the right to exhibit a motion picture.

"Trade screening" means the showing of a motion picture by a distributor at some location within the state which is open to any exhibitor from whom the distributor intends to invite bids or with whom the distributor intends to negotiate for the right to exhibit the motion picture.

"Blind selling" means the bidding or negotiating for, or the offering or agreeing to terms for, the licensing or exhibition of a motion picture before the motion picture has either been trade screened within the state or before such motion picture has been made available for viewing within the state by all exhibitors from whom the distributor is inviting bids or with whom the distributor is negotiating for the right to exhibit the motion picture.

"Run" means the continuous exhibition of a motion picture in a defined geographic area for a specified period of time. A "first run" is the first exhibition of a picture in the designated area; a "second run" is the second exhibition; and "subsequent runs" are subsequent exhibitions after a second run.

"Exclusive run" means a run limited to a single theater in a defined geographic area.

SECTION 2. IC 24-1-5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 8. Notwithstanding any other provision of this chapter, a distributor who agrees to terms for licensing or exhibition of a first run motion picture to an exhibitor must, at the same time, offer the same terms of licensing or exhibition of the first run motion picture to an exhibitor of a single screen theater located in a registered historic district as described in IC 6-1.1-12.1-7(a)(2) in the same county as the other exhibitor.**

SECTION 3. IC 24-1-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 9. A single screen theater located in a registered historic district as described in IC 6-1.1-12.1-7(a)(2) may prepare and serve food, if the theater complies with the requirements for other establishments that prepare and serve food.**

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